

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

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CATHERINE POLLOCK, et al.,

Plaintiffs,

v.

CITY OF ASTORIA, et al.,

Defendants.

No. CV06-845-AS

OPINION AND ORDER

**MOSMAN, J.,**

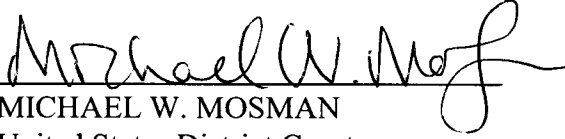
On November 6, 2005, Magistrate Judge Ashmanskas issued Findings and Recommendation ("F&R") ~~420~~ in the above-captioned case recommending defendants' motion to dismiss ~~43~~ be granted in part and denied in part. Defendants filed timely objections on October 3, 2006, to which plaintiffs responded on October 13, 2006.

The magistrate judge only makes recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United*

*States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Ashmanskas's recommendation to GRANT IN PART defendants' motion to dismiss as to plaintiffs' state-law claims and DENY IN PART defendants's motion (~~#3~~) as to plaintiffs' federal claims, and I ADOPT the F&R as my own opinion.  
IT IS SO ORDERED.

DATED this 4<sup>th</sup> day of January, 2007.

  
MICHAEL W. MOSMAN  
United States District Court